

TRANSMITTAL LETTER			Case No. 10922/51
Serial No. 10/617,580	Filing Date July 11, 2003	Examiner N/A	Group Art Unit 3763
Inventor(s) Thomas L. Foster et al.			
Title of Invention Flexible Cannula			

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is Information Disclosure Statement; Form PTO-1449; eight cited references; and return post card.

- ☐ Petition for a \_\_\_\_\_ month extension of time.
- ☒ No additional fee is required.
- ☐ The fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra
Total	29	Minus	29	
Indep.	3	Minus	3	
First Presentation of Multiple Dep. Claim				

Small Entity		or	Other Than Small Entity	
Rate	Add'l Fee		Rate	Add'l Fee
x \$9 =			x \$18 =	
x 43 =			x \$86 =	
+ \$145 =			+ \$290 =	
Total add'l fee	\$		Total add'l fee	\$

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

*David W. Okey*

David W. Okey  
Registration No. 42,859  
Attorney for Applicant

Customer No. 00757 - Brinks Hofer Gilson Lione

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

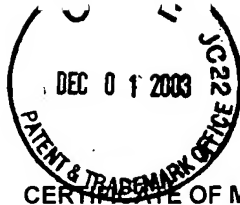
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 26 2003.

Date:

NOV 24, 2003

Signature:

*David W. Okey*



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, with sufficient postage, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

November 26, 2003

Date of Deposit

David W. Okey, Reg. No. 42,959

Name of Applicant, Assignee or  
Registered Representative

*David W. Okey*

Signature

*Nov 26, 2003*

Date of Signature

Our Case No.: 10922/51

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Thomas L. Foster et al.

Serial No.: 10/617,580

Filing Date: July 11, 2003

For: Flexible Cannula

Examiner: N/A

Group Art Unit No.: 3763

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed below and on the attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

The references now cited are the following:

#### **U.S. Patent Documents**

<b>Document No.</b>	<b>Date</b>	<b>Inventor</b>
5,573,520	11/12/1996	Schwartz et al.
6,048,338	04/11/2000	Larson et al.
6,325,807 B1	12/04/2001	Que
2001/0031980 A1	10/18/2001	Wensel et al.
2001/0041899 A1	11/15/2001	Foster
2001/0051812 A1	12/13/2001	Ouchi

#### **Foreign Patent Documents**

<b>Document No.</b>	<b>Date</b>	<b>Country</b>
WO 98/29043	07/09/1998	PCT

#### **Other Art**

International Search Report, dated October 28, 2003, for corresponding international application PCT/US03/21672.

In accordance with 37 C.F.R. § 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b).

In accordance with 37 C.F.R. § 1.97(e)(1), Applicant(s) hereby certify that each item of the information disclosed in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to filing of the present statement, as evidenced by the date of the enclosed search report.

Applicant(s) respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,

 Nov 24, 2003

David W. Okey  
Registration No. 42,959  
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, IL 60610  
(312) 321-4200



FORM PTO-1449	SERIAL NO. 10/617,580	CASE NO. 10922/51
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE July 11, 2003	GROUP ART UNIT 3763
(use several sheets if necessary)		APPLICANT(S): Thomas L. Foster et al.

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	5,573,520	11/12/1996	Schwartz et al.		
	A2	6,048,338	04/11/2000	Larson et al.		
	A3	6,325,807 B1	12/04/2001	Que		
	A4	2001/0031980 A1	10/18/2001	Wensel et al.		
	A5	2001/0041899 A1	11/15/2001	Foster		
	A6	2001/0051812 A1	12/13/2001	Ouchi		

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	A7	WO 98/29043	07/09/1998	PCT		

## OTHER ART - NON PATENT LITERATURE DOCUMENTS

EXAMINER INITIAL	<small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.</small>	
	A8	International Search Report, dated October 28, 2003, for corresponding international application PCT/US03/21672.

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.